

Chapter of the Year Evaluation Form/Cover Sheet

Chapter President/Nominator

Chapter Information

Name/CHMM #:
Address:

Mary Juan, CHMM, President

[Redacted]

[Redacted]

[Redacted]

**Gateway Society of Hazardous
Materials Managers (GSHMM)**

[Redacted]
[Redacted]
[Redacted]



GSHMM

Committed to providing mentorship, and regulatory information and guidance to businesses and professionals in the St. Louis area.

[Redacted] of the mandatory criterion – GSHMM Responses
<p>- Was this chapter nominated, and does it qualify, for Distinguished Chapter Recognition for the award year? The GSHMM believes that we qualify for this award. We are a highly active group regularly partnering with other peer organizations, diving into the community with charity events and educating our members with events.</p>
<p>- Does the data provided indicate the percentage of members that are also AHMP members? - This data was requested, but was not available as of yet.</p>
<p>- Does the data provided indicate the percentage of non-CHMM members with another certification (CIH, CSP, CHP, PE, PG, etc.) - Approximately 6% of our members are non-CHMM but have alternate certifications.</p>
<p>- Does the data provided indicate the number and level of cooperative relationships with other professional organizations, especially certifying organizations?</p> <p>The GSHMM look to partner with various professional organizations and has found it well received to cross pollinate between professional members.</p> <p>http://www.gshmm.org/links.aspx</p>

GSHMM Sponsored Compliance Seminar



GSHMM

Committed to providing recognition, and regulatory information and guidance to business and professionals in the St. Louis area.

- The event took place on April 14th and covered a wide variety of topics and speakers for the GSHMM.

GSHMM Partnership Opportunities (CICI)



**Chemical Industry
 Council of Illinois**

- We had two partnership events with the CICI group (Sept and Feb) in 2016. The sharing of information and meeting other professionals was valuable enough to do it twice.

GSHMM Partnership Opportunities (American Society of Safety Engineers)

- We joined with this organization for an education event on building safety culture led by the corporate director of safety for Emerson Worldwide.

GSHMM PARTNERSHIPS AND SPONSORED COMPLIANCE SEMINAR

- Does the data provided indicate the number and variety of professional development and education programs for members and prospective members?

The GSHMM arranges a variety of events from charity, to partnering with various professional organizations, to special events, and standard lectures on industry specific topics.



Opportunity for behind the scenes tour of Lambert Airport and complex Environmental program



Deputy Director of Airport leading the tour on the tarmac



GSHMM LAMBERT AIRPORT

ENVIRONMENTAL TOUR HOSTED BY JON STROBEL AND DEPUTY DIRECTOR



Setting up for the Friday tour



Interesting discussion about zero waste program



GSHMM ANHEUSER BUSCH
 BEHIND THE SCENES ENVIRONMENTAL TOUR HOSTED BY CHAD FISHER

- Does the data provided indicate the number and scope of successful promotional (visibility) activities related to the hazardous materials management profession, professional certifications, the chapter, and the AHMP?

The GSHMM has long promoted the “Essentials of Hazardous Material Management” class.

The CHMM review course is supported in cooperation with Saint Louis University, School of Public Health and Social Justice, Division of Environmental & Occupational Health.

- The Course was conducted on October 26-28th, under the supervision of Chris King, Director for the Center for Environmental Education & Training at St. Louis University.
- GSHMM members volunteer their time and resources as guest trainers to provide educated training in their particular field. This adds a highly valuable “real world” perspective to the course.
- GSHMM continues to offer tuition scholarships annually for up to 4 people working in the environmental industry, students or members.



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CHMM EXAM PREPARATION COURSE

- Does the data provided indicate the chapter’s efforts and accomplishments in support of the AHMP strategic mission and AHMP and/or chapter membership expansion?

The GSHMM reaches out into the community through various charity events and partnership opportunities. We have also participated in events where we visit with college students to promote our organization. We have specially

discounted costs for students and members in transition.

- Does the data provided indicate the chapter's modes, creativity, and success at communicating with members and the public?

The GSHMM sends out monthly communications (example attached) as well as various creative events to engage with members and the public.



Cooling off before hitting the links



Tons of Fun

GSHMM GOLF EVENT

ANOTHER GREAT YEAR ORGANIZING THIS SPECIAL EVENT AT EMERALD GREEN GOLF COURSE

- Does the data provided indicate the chapter's community service and education?

Aside from the previously mentioned partnership with St. Louis University, below is an example of one of our charity events.



Environmental Clean up Event

Removing significant waste from
the Meramac River



OPERATION CLEAN STREAM – CHARITY EVENT

OPPORTUNITY FOR THE GSHMM TO IMPACT THE COMMUNITY

- Does the data provided indicate the chapter's promotion of environmental sustainability principals and incorporation of environmental sustainability principals in chapter activities?

Environmental sustainability promotion is critical to the Mission of the GSHMM and drives many of our activities.

<http://www.gshmm.org/about.aspx>



=====DO NOT WRITE BELOW THIS LINE=====

Reviewer's Name:

Review Date:

Please review the submissions and score them based on the criteria below. Because most of these criteria are subjective, keep good notes and be ready to discuss when the Committee convenes.

Document achievement of the mandatory criterion and all others that apply for the award year:	Scoring Method	Reviewer's Score
1. Was this chapter nominated, and does it qualify, for Distinguished Chapter Recognition for the award year? ****MANDATORY FOR AWARD ELIGIBILITY****	Yes / No	
2. Does the data provided indicate the percentage of members that are also AHMP members?	Yes / No	
3. Does the data provided indicate the percentage of non-CHMM members with another certification (CIH, CSP, CHP, PE, PG, etc.)	Yes / No	
4. Does the data provided indicate the number and level of cooperative relationships with other professional organizations, especially certifying organizations?	Yes / No	
5. Does the data provided indicate the number and variety of professional development and education programs for members and prospective members?	Yes / No	
6. Does the data provided indicate the number and scope of successful promotional (visibility) activities related to the hazardous materials management profession, professional certifications, the chapter, and the AHMP?	Yes / No	
7. Does the data provided indicate the chapter's efforts and accomplishments in support of the AHMP strategic mission and AHMP and/or chapter membership expansion?	Yes / No	
8. Does the data provided indicate the chapter's modes, creativity, and success at communicating with members and the public?	Yes / No	
9. Does the data provided indicate the chapter's community service and education?	Yes / No	
10. Does the data provided indicate the chapter's promotion of environmental sustainability principals and incorporation of environmental sustainability principals in chapter activities?	Yes / No	
11. Does this nominee meet the minimum requirements for this award?	Yes / No	
12. In your opinion, what is this nominee's ranking compared to the other nominees for this award?	1 st place to n th place	

NOVEMBER 2016



In This Issue:

- ⇒ Report from November Airport Tour
- ⇒ Corporate Sponsorship Info
- ⇒ Chapter News and Officer Contact Information
- ⇒ Regulatory Update, Guidance and Enforcement



**HAZARDOUS
MATERIALS
MANAGERS**

Visit us at www.gshmm.org



Join us for GSHMM HOLIDAY HAPPY HOUR



Join us at Hacienda for our holiday season joint meeting and gathering with our fellow members of AWMA-St Louis Section. (Speaker to be announced shortly.)

Thursday, Dec. 8 from 3:00 to 6:00 pm.
Registration opens 3:00 pm.
Mexican American buffet begins at 4:45 pm
Admittance includes 1 drink ticket, with cash bar available.

RSVP to Mike Duvall c/o GSHMM by Friday, Dec. 2.
Members-17.00 Non-members-24.00
Remember you can pay on-line or at the door.

Don't miss this great informative and entertaining opportunity!

ATTENTION PAYPAL USERS

While we love having the ability to pre-pay for meetings via PayPal, we don't always receive notification of your payment prior to the meeting.

Please be prepared to show your payment receipt (on your mobile device or a hardcopy) when you arrive at the meeting – especially if you have paid on the day of the meeting.

2017 GSHMM Corporate Sponsorship Drive

Well, it's that time again - when we start to solicit corporate sponsorships for 2017. If you'd like to see your company's name here in 2017, please let us know.

Here are the details:

"Gold" Sponsorship (\$250) - Sponsor is recognized with company logo on our member newsletter (see above), logo and link on the GSHMM website (see <http://www.gshmm.org/sponsors.aspx>), recognition at the Spring Seminar, and at our fall business meeting.

Regular Sponsorship (\$100) - Company name and link on the GSHMM website, and recognition at our fall business meeting.

If you, your employer, or one of your vendors are interested in being a sponsor for 2017, please contact Donna Ratkowski at communications@gshmm.org.

Sponsorships can now be paid online using PayPal.
Just go to our website at: www.gshmm.org/merchandise.aspx

THANK YOU TO OUR 2016 "GOLD" SPONSORS, SHOWN HERE



ESSENTIALS OF HAZARDOUS MATERIALS MANAGEMENT REVIEW COURSE HELD AT SLU - Oct. 26-28, 2016

GSHMM and Saint Louis University presented "The Essentials of Hazardous Materials Management: (EHMM)" on October 26-28 at Saint Louis University,

We had one scholarship recipient this year - Michael Davis, St. Louis Office MDNR

Many thanks to the GSHMM members and friends who participated as volunteer instructors:

Carie Bickel	Chris King	Chris Merli
Bob Presley	Lynn Taber	Juliette Travous



SAVE THE DATE!

The GSHMM Spring Seminar is scheduled for Thursday, April 13, 2017, from 8:00 am to 4:30 pm at the Engineers Club.

An excellent roster of speakers will be there to present a variety of EHS topics as usual. Don't miss out on a great opportunity to continue your professional development by expanding your knowledge and networking with other EHS professionals. Look for more information in upcoming emails and this newsletter.

How to Contact Your Local Board Members or National Offices:

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Alliance of Hazardous Materials Professionals (AHMP)
www.ahmpnet.org

AHMP Contact Email-
info@ahmpnet.org

Institute of Hazardous Materials Management (IHMM)
www.ihmm.org

IHMM Executive Director - Jeffrey Greenwald
JGreenwald@IHMM.org

IHMM General Information
Info@IHMM.org

GSHMM Tours Lambert St. Louis Airport

On November 10, GSHMM was privileged to have a behind-the-scenes tour of the environmental programs at St. Louis Lambert Airport. This special event included a box lunch and presentation at the Lindbergh conference room followed by a bus tour displaying the airport's Environmental program.

Jon Strobel, Airport Environmental and Safety Manager, reviewed some of the environmental challenges faced by a major city airport.

This event was sold out with an attendance of 40 people. Thanks to all who participated!



GSHMM has entered the social media age!
Be sure to "LIKE" us on Facebook and find one more way to keep up with GSHMM.

Find us at:

www.facebook.com/GSHMM.STL



Tell Us What YOU Care About

We want to make sure the activities we plan, the meetings we schedule, and the articles in our newsletter meet your needs. So - tell us what you care about:

- ⇒ What kind of things do you volunteer to do in your spare time?
- ⇒ Have you taught a class or published an article?
- ⇒ Have you received an advanced degree or certification?
- ⇒ What matters to you?

Please - LET US KNOW!



Founder of LEED certification takes on waste industry with new SWEEP standard

Summarized from an interview – see the full article at www.wastedive.com

For an industry that moves so much material daily, there is a surprising lack of unified data across waste and recycling sectors. Different definitions make it nearly impossible to compare national tonnage data, diversion rates, environmental benefits or a host of other factors. While many organizations are doing significant work in this area and ideas have been proposed for uniform measurement systems for certain materials, there are no standardized industry-wide assessments. The Solid Waste Environmental Excellence Protocol (SWEEP) is being designed to change that.

The Northeast Resource Recovery Association (NRRRA) and a steering committee comprising members from Waste Management, the Sustainable Packaging Coalition, Austin Resource Recovery, Waste Business Journal and BlueGreen Alliance, have been working on foundational details for months. Now, they're ready to open up the process and figure out the specifics of what a new certification standard for the waste industry could be like.

Details are still in the early stages but at its core the vision of SWEEP is to create, "A world without waste where materials are valued and continually utilized for their highest and best purpose, without causing harm to human health and the environment."

According to the author, if we want to be real about solving an important issue — which is the effective and sustainable use of materials in all portions of their lifecycle — we need to move away from the antiquated ton-based evaluation system — which doesn't tell us anything about the economic or environmental performance of the waste management industry — and move into a more life-cycle, material-focused basis. The authors believe SWEEP can be a road map for a 21st century sustainable materials management framework.

To get better data than is currently available, the authors are going to be seeking web-based input from professionals all over which will then be reviewed and shared and verified and vetted by committee-based experts. As people make contributions they will be invited into the committee to participate more formally. So hopefully we'll be able to have a national network and get perspectives from all different types of jurisdictions — urban, rural, suburban, etc. Get input from companies that only do hauling, companies that only do landfills, companies that are more vertically integrated. We'll get all those perspectives and create a set of standards that can be implemented on a wide basis.

For the pilot program, they will actively seek out a range of participants, from large urban municipalities that actually do their own hauling and maybe own their own landfill to smaller jurisdictions that may be less vertically integrated, and then a couple that contract pretty much all of their activity. A couple of companies have also indicated an interest in being participants. That's part of the reason the developers of this program went with a broad-based organization like NRRRA that covers both industry and municipalities to create a cross-section of potential test cases.

The authors plan to have two standards under the SWEEP banner. One will be a municipally-focused standard and one will be an industry-focused standard. There will be a great deal of cross-pollination between the two.

Each of those standards will have the same four performance categories.

- ⇒ The first one is Sustainable Materials Management Policies. To what degree are you beginning to frame your approach in a 21st century way as opposed to a 20th century way. So this is rewarding and documenting intent, not necessarily performance. So all action begins with intent, all programs begin with plans and budgets. We want to try and go upstream as well. It's about preventing waste as well as treating.
- ⇒ The next category is called Waste Generation and Prevention. Programs that track waste generation, programs that look at emissions, programs that look at the waste stream. Creating a standardized definition and getting information about it. There will be a very strong educational component and training component.
- ⇒ The third category is Collection. Everything having to do with the equipment, the routing, ergonomics and safety. Emissions of trucks and fleets.
- ⇒ Then finally there is Post-Collection Processing and Disposal. This will cover everything from recycling to incineration to landfilling. You'll get credit for good methane capture programs, and energy-efficient material separation at MRFs, and pollution control on incinerators.

The expectation is, as the standard evolves, less and less credit will be given for doing 20th century things well and more and more credit will be given to implementing 21st century methods. You will be certifiable [under the initial standard] if you do a good job on "business as usual," but you have to probably beat standard practice by a minimum of 10-15% to get any kind of certification. The purpose of the first set of standards is to get people to understand that a new standard is out there and to allow development of infrastructure.

Regulatory Update, Guidance, and Enforcement News

Dow Chemical, Tiffany & Co. join a “rising tide” for ocean cleanup

In September, Secretary of State John Kerry hosted the third annual Our Oceans event in Washington, D.C. The Department of State conference yielded significant marine-focused initiatives by scores of world governments and a small number of companies.

Our Oceans touted 136 new initiatives worth more than \$5.2 billion, as well as protection for some 1.5 million square ocean miles. The Tiffany & Co. Foundation chimed in to double the protected marine and coastal areas of the Bahamas by 2020, part of a \$3.2 million plan along with the Nature Conservancy, the Oceans 5 funders collaborative and Bahamian authorities. Other heavy-hitters including the Packard, Walton Family and Gordon and Betty Moore foundations each pledged hundreds of millions of dollars toward ocean conservation.

Dow Chemical launched a new \$2.8 million project over the next two years to drive solutions that address ocean litter around the world. Dow's initiative will focus on two areas: About half of the pledged money will go toward sponsorship of collaborative projects such as the Ocean Conservancy's research and waste management pilot programs, and to support educational programs to promote recycling and prevent littering.

The other half will support ongoing research, such as the Ellen MacArthur Foundation's work involving the development of new technologies toward a circular economy while advancing opportunities to turn waste into "a valuable end-state." This includes increasing the recyclability of flexible packaging and developing chemical recycling technologies to convert non-recycled plastics into feedstocks that can be used to make new materials.

Dow is not the only private company engaged in such partnerships to address marine debris. Fishing for Energy — a partnership between the National Fish and Wildlife Foundation (NFWF), the NOAA Marine Debris Program, Covanta and Schnitzer Steel Industries — has successfully worked with local commercial fishermen and ports to collect and responsibly dispose of thousands of abandoned fishing traps and other unwanted gear.

As of April, Fishing for Energy had removed more than 3 million pounds of old fishing gear and marine debris from U.S. waterways and coastlines since 2008, and converted it into clean, renewable energy.

Learn more at:
www.state.gov/r/pa/prs/ps/2016/09/262042.htm and

www.mlive.com/news/saginaw/index.ssf/2016/09/dow_commits_28_million_to_ocea.html

Update to Regulations for Refrigerant Management

Many of you are probably aware that EPA recently updated their regulations related to Ozone Depleting Substances under Section 608 of the CAA. These rules go into effect January 1, 2017 for certain sections and elements of the rule. Others do not go into effect until January 1, 2019. Following is a very brief summary of these modified rules:

Extends venting prohibition of Class I (CFC) and Class II (HCFC) material to substitute refrigerants, such as HFCs. Equipment containing substitute refrigerants (HFCs) must now be managed as ODS equipment.
 Effective Date: 1/1/2019

Lowers leak rate thresholds for Industrial Process Refrigeration (IPR) units and Comfort Cooling Equipment (CCE) from 35% to 30% and 15% to 10%, respectively.
 Effective Date: 1/1/2019

Requires quarterly / annual leak inspections for IPRs and CCE for those units exceeding 100% of their annual leak rate. Sites with equipment exceeding leak rate thresholds will be required to do additional quarterly and annual monitoring in addition to current leak repair and follow-up monitoring.
 Effective Date: 1/1/2019

Requires reporting to EPA for systems 50# or more that leak >125% or more of their full charge in within one year. Sites with leak rates exceeding this threshold will be required to report to EPA.
 Effective Date: 1/1/2019

Restricts technicians from purchasing certain refrigerants, requires purchase of certified reclaimed refrigerants, and additional technician training for substitute refrigerants. Ensure refrigerant technicians have received training and are aware of new regulations
 Effective Date: 1/1/2017 through 1/1/2018

Requires technicians to keep records of recovered refrigerant from disposed-of appliance containing 5-50 pounds of refrigerant. Appliances must be evacuated to specified standards by certified technicians using approved equipment prior to disposal. Records shall be kept of these evacuations/disposals.
 Effective Date: 1/1/2018

For more information about this rule, see the full Federal Register notice at:
www.gpo.gov/fdsys/pkg/FR-2016-11-18/html/2016-24557.htm

Regulatory Update, Guidance, and Enforcement News

PHMSA / OSHA Clarify Requirements for Labeling Hazardous Chemicals for Bulk Shipments

On September 19, the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) issued a joint guidance memorandum clarifying the applicability of their respective requirements for labeling hazardous chemicals.

The joint memo provides an overview of each agency's scope of authority and guidance on the applicability of PHMSA and OSHA labeling requirements with an emphasis on bulk packaging used in transportation and in the workplace. With reference to this guidance, labeling includes all DOT placarding, signs, and other markings. PHMSA labeling requirements are found in the U.S. Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180), and OSHA labeling requirements are found in the Hazard Communication Standard (HCS 2012; 29 CFR section 1910.1200).

PHMSA and OSHA intend the memorandum to answer stakeholder questions concerning the labeling required by each agency by providing clarity on the general applicability of, and overall relationship between, DOT's labeling requirements under the HMR and OSHA's labeling requirements for bulk shipments under the HCS 2012.

DOT HMR Labeling Requirements

DOT's HMR requires labeling to be displayed or provided with a shipment during transportation in commerce. The HMR provides a comprehensive labeling system to communicate to personnel involved in the transportation of hazardous materials, including emergency responders and the general public, the potential dangers of handling packages containing hazardous materials, or a sudden uncontrolled release of hazardous materials during transportation.

During transportation, DOT's HMR governs hazard communication labeling requirements. OSHA's HCS 2012 labeling is not required on shipping containers in transport, even when DOT's HMR does not require labeling in transportation.

OSHA HCS 2012 Labeling Requirements for Bulk Shipments in DOT Containers (e.g., tanker trucks, rail cars)

OSHA's HCS 2012 requires labeling of hazardous chemicals in the workplace, both before and after transportation in commerce. OSHA requires labeling on the immediate container of hazardous chemicals. Regarding bulk shipments of hazardous chemicals, the HCS 2012 requires either labeling the immediate container with hazard information or transmitting the required label with shipping papers, bills of lading, or by other technological or electronic means so that it is immediately available to workers in printed form on the receiving end of a shipment.

The OSHA HCS 2012 requirements for shipped material apply independently of whether the same material is subject to HMR labeling requirements during transportation.

Note on Bulk Shipments Bearing Both DOT and OSHA HCS 2012 Labels

The HMR prohibits the display on a package of any marking or label that could be confused or conflict with a label required by the HMR. Specifically, 49 CFR Section 172.401(b) states:

"No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part."

However, the prohibition in 49 CFR 172.401(b) does not apply to packages labeled in conformance with certain international standards, including the UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The provisions of 49 CFR 172.401(c) apply only to labeling in accordance with the GHS and subsequently in accordance with OSHA 29 CFR 1910.1200(f).

The GHS labeling provisions, including as implemented by OSHA, require all hazard communication elements to be located on the label, and these hazard communication elements must only appear as part of a complete GHS label. As such, the display of a marking or label not required by DOT's HMR, but conforming to OSHA's HCS 2012 and consistent with the GHS is not a violation of the HMR. This includes packages meeting the definition of a "bulk package" as defined by the HMR. In other words, an HCS 2012-compliant OSHA label and a DOT HMR label or marking may both appear on the same package.

The memorandum also notes that there are some pictograms/symbols displayed on bulk packages that are not consistent with the HCS (29 CFR § 1910.1200) and that are not compliant with hazard communication required by the HMR (49 CFR Parts 100-180). This labeling is prohibited by the HMR.

Regulatory Update, Guidance, and Enforcement News

What We Can Learn from Whole Foods' Hazardous Waste Problems

Summarized from EHS Daily Advisor (BLR)

Whole Foods Market recently found itself on the business end of a U.S. Environmental Protection Agency (EPA) hazardous waste enforcement action that will cost the company over \$4 million in penalties and projects.

What Went Wrong for Whole Foods?

Hazardous waste management issues that tripped up Whole Foods and that many facilities face include:

- ⇒ Recognizing which substances may become hazardous waste;
- ⇒ Storing hazardous waste without needing a permit;
- ⇒ Managing universal wastes.

Following up on a tip from the New Mexico Environment Department, the EPA conducted a year-long investigation and record review of Whole Foods' actions as a generator of hazardous waste in EPA Region 6.

Investigators found Whole Foods did not properly make hazardous waste determinations at facilities in Texas, Arkansas, Louisiana, Oklahoma, and New Mexico. In addition, according to the EPA, Whole Foods improperly handled spent lamps, one of EPA's universal wastes.

Tip for Handling Universal Waste

Stay small. If you have certain hazardous waste at your facility, you are a generator of hazardous waste. If you decide to manage them as universal waste, you are automatically a universal waste handler by virtue of being a generator of universal waste. Generated universal waste is not counted in a generator's hazardous waste quantity if it is managed according to universal waste rule.

As a generator, you would likely send your waste to a facility that receives universal waste. The owner/operator of that facility is also, by definition, a universal waste handler.

Under the federal universal waste rules, the types of hazardous wastes that may be managed as universal waste are:

- ⇒ Batteries (nickel cadmium batteries, in particular)
- ⇒ Certain waste pesticides
- ⇒ Mercury-containing equipment (MCE)—which includes thermostats
- ⇒ Lamps

Try to remain a small quantity handler of universal waste (SQHUW). If you decide to handle your hazardous waste as universal waste, there are fewer requirements if you are a SQHUW rather than a large quantity handler of universal waste (LQHUW). An SQHUW cannot accumulate 5,000 kilograms (11,023 pounds) or more total universal waste at any time.

Penalty, Plus for Whole Foods

Under the settlement with the EPA, Whole Foods will pay a hefty civil penalty of \$3.5 million. However, as with most EPA enforcement actions, the true cost of compliance amounts to more than the monetary penalty.

In addition to the \$3.5 million penalty, Whole Foods has three other responsibilities under the settlement:

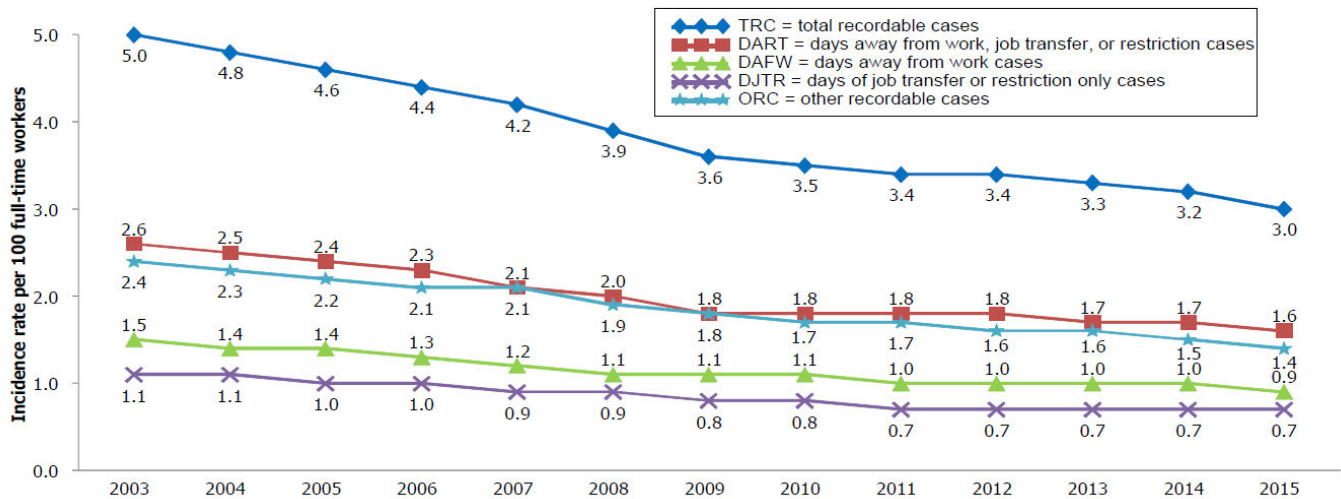
- ⇒ Come into compliance. Whole Foods is in the process of correcting the hazardous waste violations.
- ⇒ Perform a supplemental environmental project (SEP). SEPs are "voluntary" environmentally beneficial projects related to the violation. Whole Foods will spend \$500,000 to create and fund a SEP to educate retailers in Texas about hazardous waste compliance.
- ⇒ Launch a hazardous waste tracking system. EPA hopes this will become a standard for the retail sector.

Regulatory Update, Guidance, and Enforcement News

OSHA encouraged by drop in workplace injury and illness rates

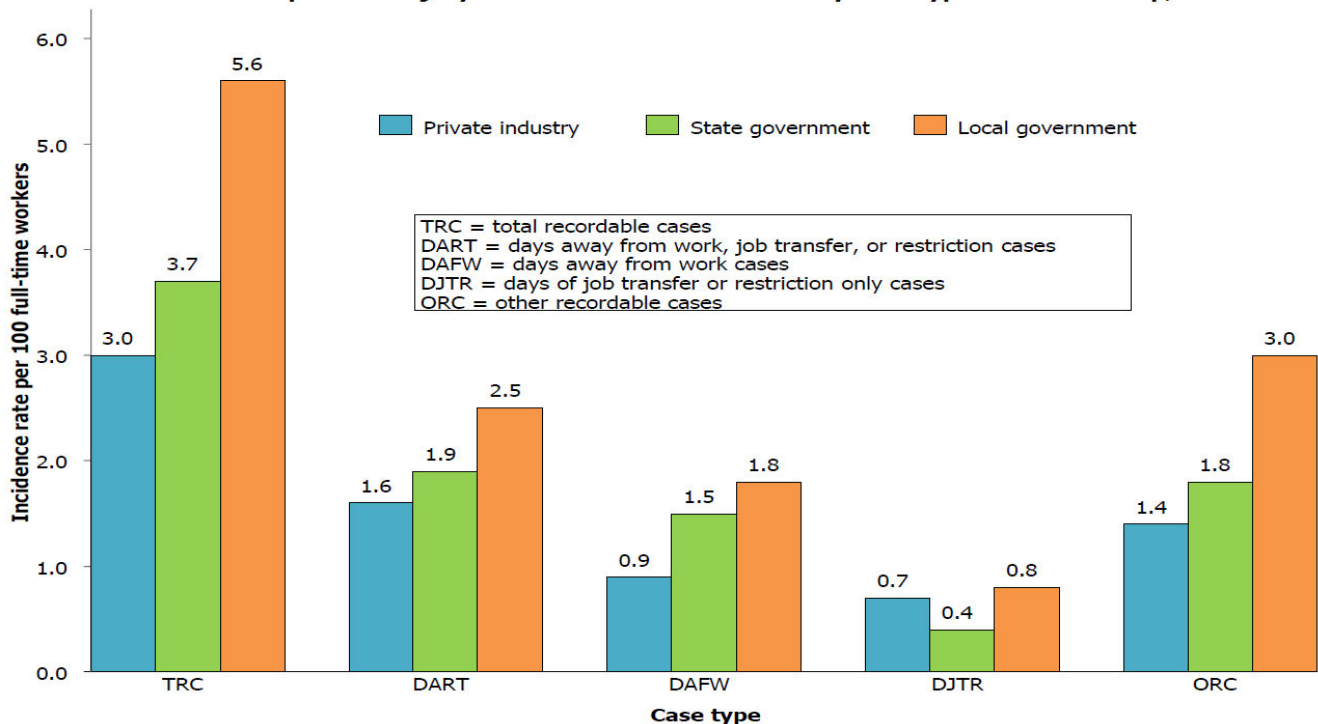
Recently released occupational injury and illness data compiled by the Bureau of Labor Statistics showed a significant drop in the rate of recordable workplace injuries and illnesses in 2015. Private sector employers reported about 2.9 million nonfatal workplace injuries and illnesses in 2015, a decline of about 48,000 from 2014, despite an increase in total hours worked. The rate of cases recorded was 3.0 cases per 100 full-time workers – down from 3.2 in 2014. This rate has declined for all but one of the last 13 years. Read the full statement at: <http://www.bls.gov/news.release/pdf/osh.pdf>

Chart 1. Nonfatal occupational injury and illness incidence rates by case type, private industry, 2003-2015



One of the most interesting pieces of data concerned public sector employees, with “local government” employees having the highest injury rates among the groups reported. Not too surprising when you realize this includes police, firefighters, local street and tree departments, and some hospital and school employees.

Chart 3. Nonfatal occupational injury and illness incidence rates by case type and ownership, 2015



Regulatory Update, Guidance, and Enforcement News

40th Anniversary of RCRA

Statement by David Case, Executive Director, Environmental Technology Council

Edited for length. The full article can be found at www.veolianorthamerica.com

On RCRA's 40th anniversary, we look back to 1976 when the law was passed and how far the hazardous waste industry has come since then. Gerald Ford signed RCRA into law in October, just one month before losing to Jimmy Carter in the presidential election. There was no hazardous waste management industry at all, just a loose collection of haulers and carters that disposed of toxic waste drums wherever they could.

The early days of RCRA were a disaster. EPA created a new Office of Water and Waste to administer the law, but the office was immediately beset by scandal. EPA was not able to promulgate the first set of hazardous waste regulations until 1980, and it suffered through severe budget constraints because Congress simply did not trust the agency to do its job.

RCRA was enacted to "close the loop" of environmental protection. The demons were cast out, and deliverance was received with the Hazardous and Solid Waste Amendments of 1984. Congress completely revamped the RCRA law, enacting 72 major new provisions that ranged from the land disposal ban to design requirements for landfills and incinerators. The 1984 HSWA was four times longer than the original RCRA law, mainly because EPA technical staff, frustrated by their agency's inaction, helped Congressional staff write the new legislation.

As a result, the HSWA provisions were extraordinarily detailed (for example, landfill liner permeability must be $< 1 \times 10^{-7}$ cm/sec—unusual detail to include in a statute), and the new provisions were enforced through "hammers" (for example, if EPA did not promulgate treatment standards for hazardous wastes by deadlines; land disposal was absolutely prohibited). Needless to say, the 1984 HSWA was the Magna Carta for the commercial hazardous waste management industry.

Without doubt, the most significant part of the 1984 HSWA was the land disposal ban. The "ban" is a misnomer, because the law actually required EPA to promulgate technology-based treatment standards for all hazardous wastes, and, if hazardous waste is treated to the required level, then disposal in a RCRA landfill is permitted. These treatment standards created the commercial hazardous waste management industry, banning the common practice of direct disposal of untreated wastes in landfills, and, instead, required a remarkable panoply of technologies, including incineration, fuel substitution, chemical oxidation, solvent extraction, stabilization, macroencapsulation, and any other technology that meets the required treatment levels. EPA developed these treatment standards for all hazardous wastes from 1985 to 1992, and, as each new set of standards was promulgated, the first generation of hazardous waste entrepreneurs and venture capitalists invested in new facilities, technologies, and RCRA permits to meet the demand.

The new HSWA regulations inevitably triggered lawsuits. Environmental groups argued that the new regulations were not fully protective, and industry countered that the regulations were too stringent. Perhaps the most significant lawsuit was brought by the hazardous waste industry in 1992 over the treatment standards for characteristic hazardous wastes, which simply required that the characteristic be removed by any means, including dilution. If EPA's treatment standard of "decharacterize" had been allowed to stand, today's market for hazardous waste services would have been depressed, because generators could simply dilute away the ignitable, corrosive, reactive, or toxic characteristic by adding water or other dilutants. Fortunately, the U.S. Court of Appeals in Washington DC struck down EPA's standard and required that the underlying hazardous constituents in characteristic wastes be treated to minimize their toxicity and mobility effectively before land disposal. In response to the court decision, EPA created the Universal Treatment Standards that govern most hazardous waste management today.

From 2000 forward, the hazardous waste industry has matured through a series of mergers, acquisitions, and consolidations. EPA has turned its attention to a maturing RCRA program, focusing on sustainable materials management and modifying the regulations for small generators, academic labs, retail stores, universal wastes, and other refinements. Perhaps the most important current initiative is the electronic manifest system known as e-manifest. Next year, the industry will be moving from a paper manifest to electronic tracking of hazardous waste shipments, which EPA estimates will save regulated entities and states over \$100 million in compliance costs.

Despite a slow start, RCRA has been a highly successful environmental law, ending unprotective waste management practices, promoting new technologies, and creating a new industry for the safe and effective treatment, recycling, and disposal of hazardous wastes.

Regulatory Update, Guidance, and Enforcement News

OSHA issues final rule updating walking-working surfaces standards and establishing personal fall protection systems requirements

On November 17, OSHA issued a final rule updating its general industry Walking-Working Surfaces standards specific to slip, trip, and fall hazards.

The final rule's most significant update is allowing employers to select the fall protection system that works best for them, choosing from a range of accepted options including personal fall protection systems. The final rule also increases consistency between general and construction industries, which will help employers and workers that work in both industries.

OSHA has permitted the use of personal fall protection systems in construction since 1994 and the final rule adopts similar requirements for general industry. Other changes include allowing employers to use rope descent systems up to 300 feet above a lower level; prohibiting the use of body belts as part of a personal fall arrest system; and requiring worker training on personal fall protection systems and fall equipment.

The rule becomes effective on Jan. 17, 2017, and will affect approximately 112 million workers at seven million worksites.

www.gpo.gov/fdsys/pkg/FR-2016-11-18/html/2016-24557.htm

Revisions to QA Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources

On November 21, the U.S. EPA took direct final action to update a procedure in the New Source Performance Standards (NSPS). The procedure provides the ongoing quality assurance/quality control (QA/QC) procedures for assessing the acceptability of particulate matter (PM) continuous emissions monitoring systems (CEMS).

EPA is modifying the procedure to allow facilities to extend their PM CEMS correlation regression line to the lowest PM CEMS response obtained during the annual RCA or RRA, when these PM CEMS responses are less than the lowest response used to develop the existing correlation curve.

This change will ensure that facilities that have reduced their emissions since completing their correlation testing will no longer be penalized because their lower emissions fall outside their initial response range. This action also corrects a typographical error in the procedure.

This rule is effective on February 21, 2017 without further notice, unless the EPA receives adverse comment by December 21, 2016. Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2016-0382, to the Federal eRulemaking Portal: www.regulations.gov.

Proposed Addition of Nonylphenol Ethoxylates Category to TRI

On November 16, the U.S. EPA proposed to add a nonylphenol ethoxylates (NPEs) category to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA).

EPA is proposing to add this chemical category to the EPCRA section 313 list because EPA believes NPEs meet the EPCRA section 313(d)(2)(C) toxicity criteria. Specifically, EPA believes that longer chain NPEs can break down in the environment to short-chain NPEs and nonylphenol (NP), both of which are highly toxic to aquatic organisms.

Based on a review of the available production and use information, members of the NPEs category are expected to be manufactured, processed, or otherwise used in quantities that would exceed EPCRA section 313 reporting thresholds.

NPEs are nonionic surfactants that are used in a wide variety of industrial applications and consumer products. Many of these, such as laundry detergents, are "down-the-drain" applications. Some others, such as dust-control agents and deicers, lead to direct release to the environment. NPEs, though less toxic and persistent than NP, are also highly toxic to aquatic organisms, and, in the environment, degrade into NP.

Comments must be received on or before Jan. 17, 2017.

Submit your comments, identified by Docket ID No. EPA-HQ-TRI-2016-0222, at the Federal eRulemaking Portal: <http://www.regulations.gov>